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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/071,994 | 02/08/2002 | Jochen Ziegler | 20 01 0281 | 2013 |

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EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,994

Applicant(s)

ZIEGLER ET AL.

Examiner

Steven M Marsh

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-17 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the fourth office action for U.S. Application 10/071,994 for a Supporting Device for a Portable Device filed by Jochen Ziegler on February 8, 2002.

Claim Rejections - 35 USC § 102

Claims 1-7 and 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Westland. Westland discloses a plastic (see col.5, lines 17-22) supporting device (10) that could support a portable device. The supporting device has a supporting plate (24) that is integral or can be attached to a device and a first end that could be placed on a surface. There is a supporting frame (16) that has a substantially planar arrangement with a first end that can be placed on the surface, and a second end that is moveably arranged in a sliding guide (52) located at the supporting plate. Westland discloses a lever (18) with a first end that is pivotally mounted at the supporting frame between the first end and the second end of the frame and a second end pivotally mounted on the supporting plate (via 14) below the sliding guide around a second swivel shaft (at 72) running parallel to the first swivel shaft. The sliding guide has at least one locking recess (66) along the edges bordering the support plate of the device, in which the second end of the supporting frame is movable along the sliding guide for engaging the locking recess at one or more distances between the end of the supporting frame and the second end of the lever, so that the supporting plate is supported at one or more angles of elevation. Also, when the first ends of the supporting plate and the supporting frame are placed on a surface with the supporting plate elevated, a substantially triangular cross-section is outlined by the surface, the supporting frame, and the

supporting plate, the triangular cross section being spanned by the lever from the supporting plate to the supporting frame.

The end of the supporting frame arranged in the sliding guide is pivotally mounted around a third swivel shaft (at 67) which runs parallel to the first swivel shaft and is arranged adjustable perpendicularly to the first swivel shaft along the supporting plane. The supporting frame can be adjusted to a not in use position, wherein the supporting frame rests with its inside on a reverse side of the supporting plate facing the supporting frame, and in which the lever runs mostly parallel to the inside of the supporting frame and parallel to the reverse side of the supporting plate between the two. The supporting frame is located in a recess in the reverse side of the supporting plate and the lever extends into a recess in the interior of the supporting frame (inside of 78) when the device is in the nonuse position. The device is separate from the supporting device, but becomes integral when attached to the quick connector (100 and 102) that secures the two. Claims 9-11 and 14-17 contain limitations to the portable device. However, the portable device has not been claimed and therefore the limitations to the structure have no patentable significance.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-7 and 9-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

Application/Control Number: 10/071,994

Page 5

Art Unit: 3632

number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Steven Marsh

December 11, 2004


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER